

CALENDAR ITEM

C58

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06/23/11

WP 4621.9

WP 5545.9

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N. Lavoie

**TERMINATION OF A RECREATIONAL PIER LEASE AND GENERAL LEASE –
PROTECTIVE STRUCTURE USE AND ISSUANCE OF A NEW GENERAL LEASE –
RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEE:

Britt L. Johnson

APPLICANT:

Britt Lee Johnson, Trustee of The Britt Lee Johnson Revocable Trust dated
December 12, 2006

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 7105 Garden Highway, near
the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock,
gangway, stairs, anchor cables, and bank protection as shown on the attached
Exhibit A.

LEASE TERM:

10 years, beginning June 23, 2011.

CONSIDERATION:

Uncovered Floating Boat Dock, Gangway, Stairs, and Anchor Cables: No
monetary consideration pursuant to Public Resources Code section 6503.5.

Bank Protection: The public use and benefit; with the State reserving the right
at any time to set a monetary rent if the Commission finds such action to be in
the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On February 5, 2001, the Commission authorized a Recreational Pier Lease No. PRC 4621.9 to Britt L. Johnson. That lease authorized an uncovered floating boat dock, gangway, stairs, and anchor cables adjacent to 7105 Garden Highway and will expire on September 22, 2011. On June 2, 2003, the Commission authorized a General Lease – Protective Structure Use, No. PRC 5545.9 to Britt L. Johnson for bank protection adjacent to the same upland property. That lease will expire on August 31, 2013.
3. On December 27, 2006, the upland property was deeded to Britt Lee Johnson, Trustee for The Britt Lee Johnson Revocable Trust dated December 12, 2006. Applicant is requesting termination of the leases and to combine all improvements into a new General Lease – Recreational and Protective Structure Use, Lease No. 4621.9.
4. The Applicant qualifies for rent-free use of the uncovered floating boat dock, gangway, stairs, and anchor cables because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.
5. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
6. **Termination of Lease Nos. PRC 4621.9 and PRC 5545.9:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

7. **Issuance of Lease for Uncovered Floating Boat Dock, Gangway, Stairs, Anchor Cables, and Bank Protection:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1,

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Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of Lease Nos. PRC 4621.9 and PRC 5545.9: Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

Issuance of Lease for Uncovered Floating Boat Dock, Gangway, Stairs, Anchor Cables, and Bank Protection: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

SIGNIFICANT LAND INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

1. Authorize termination, effective June 22, 2011, of Lease Nos. PRC 4621.9, a Recreational Pier Lease, and PRC 5545.9 General Lease – Protective Structure Use, issued to Britt L. Johnson.

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2. Authorize issuance of a General Lease – Recreational and Protective Structure Use No. PRC 4621.9 to Britt Lee Johnson, Trustee of The Britt Lee Johnson Revocable Trust dated December 12, 2006, beginning June 23, 2011, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, gangway, stairs, anchor cables, and bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration for the existing uncovered floating boat dock, gangway, stairs, and anchor cables: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the bank protection: the public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest; and liability insurance in the amount of no less than \$1,000,000.